

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SAMUEL R. GARDNER, II,	)	
AIS # 107989,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:07cv1063-WKW
	)	
LEON FORNISS, et al.,	)	
	)	
Defendants.	)	

**ORDER**

The Magistrate Judge filed a Recommendation (Doc. #19) in this case to which no objections have been filed. Upon an independent review of the file in this case and upon consideration of the Report and Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Report and Recommendation (Doc. # 19) of the Magistrate Judge is ADOPTED;
2. The plaintiff's Motion to Dismiss (Doc. # 16) is GRANTED; and
3. This case is DISMISSED without prejudice.

An appropriate judgment will be entered.

DONE this 21st day of March, 2008.

\_\_\_\_\_  
/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE